

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: C.R. BARD, INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY LITIGATION

MDL NO. 2187

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER #35

(First Bellwether Trial Date and Discovery Group 2 Selection Process)

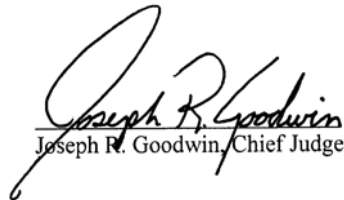
After discussion with lead counsel for the parties the court hereby **ORDERS**:

1. The first bellwether trial in MDL 2187 will begin on Tuesday, February 5, 2013;
2. The parties are to meet and confer and submit to the court no later than May 24, 2012, a proposed discovery schedule for the Discovery Group 1 cases selected in PTO #32 which will result in the completion of discovery and dispositive motion practice prior to the February 5, 2013, trial date;
3. The parties are to meet and confer and devise an expedited process to select additional proposed cases for individual discovery which include plaintiffs implanted with products beyond the three generations of Avaulta products. The cases selected by the court would constitute Discovery Group 2.
2. The parties will propose a discovery schedule for the Discovery Group 2 cases after their selection by the court. The proposed expedited process is also to be submitted to the court no later than May 24, 2012; and
4. The bellwether case trial order will be determined after completion of individual discovery of Discovery Group 1 cases. The initial bellwether trial will be a case from Discovery Group 1. The court will consider including cases from Discovery Group 2 in the bellwether trial schedule once

discovery is complete in those cases. Inclusion of a Discovery Group 2 case may necessitate changes to the bellwether case trial order beyond the initial trial.

The court **DIRECTS** the Clerk to file a copy of this order in 2-10-md-2187 and it shall apply to each member case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2-12-cv-01339. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: May 1, 2012


Joseph R. Goodwin, Chief Judge